

11/19 AF



Practitioner's Docket No. 006349.00009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kelly W. Buchner

Art Unit: 3762

Application No.: 10/840,064

Examiner: Scott M. Getzow

Filed: 05/06/2004

For: PROCEDURE AND MACHINE FOR ELECTRO-INDUCING/STIMULATING DEEP LAYERED MUSCLE CONTRACTIONS USING A BIPHASIC FARADIC PULSE SEQUENCE

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)**

Applicant hereby appeals to the Board from the decision of the Primary Examiner in the Final Office Action mailed December 20, 2007 rejecting claims 1 and 5 and objecting to claims 2-4 and 6-8; and the Advisory Action mailed May 2, 2008. Claims 9-11 have been allowed.

1. STATUS OF APPLICANT

This application is on behalf of a small entity. A statement was already filed.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for the Notice of Appeal is:

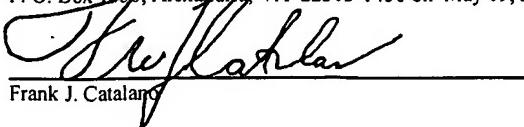
Small entity Notice of Appeal fee due	\$255.00
Notice of Appeal fee due	\$255.00

05/22/2008 NNGUYEN1 00000025 501971 10840064

01 FC:2401 255.00 DA
02 FC:2252 230.00 DA

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this document and any document referred to as being attached therein is being deposited with the U.S. Postal Service in an envelope as "First Class Mail" addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on May 19, 2008.


Frank J. Catalano

{726459;}

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for two months:

Fee	\$ 230.00
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If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$255.00
Two-Month Extension fee	<u>\$ 230.00</u>
TOTAL FEE DUE	\$485.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$485.00 to Deposit Account No. 50-1971.

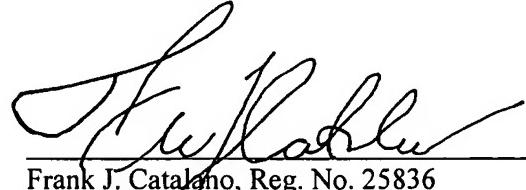
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1971.

Date: May 19, 2008



Frank J. Catalano, Reg. No. 25836
GableGotwals
100 W. Fifth Street, 10th Floor
Tulsa, OK 74103
918-595-4963
Customer No. 28,827

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Notice of Appeal from the Primary Examiner to Board--page 1 of 2

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